



14

Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: KEITH NEWMAN, PLANNER II *KN*
(480) 503-6812, KEITH.NEWMAN@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *AM*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: DECEMBER 2, 2020

SUBJECT: FM20-02 PB BELL GILBERT COMMONS SEPARATION FENCE: REQUEST TO APPROVE MODIFICATIONS TO SEPARATION FENCE REQUIREMENTS ON APPROXIMATELY 8.63 ACRES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF COOPER AND BASELINE ROADS, AND ZONED MULTI-FAMILY/MEDIUM (MF/M) WITHIN THE SHOPPES AT GILBERT COMMONS PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Exceptional Built Environment

This project would allow for unique design in a proposed residential development.

RECOMMENDED MOTION

Make the Findings of Fact and approve FM20-02, PB BELL GILBERT COMMONS SEPARATION FENCE: Request to approve modifications to separation fence requirements on approximately 8.63 acres, generally located at the southwest corner of Cooper and Baseline Roads, and zoned Multi-Family/Medium (MF/M) within the Shoppes at Gilbert Commons Planned Area Development (PAD) overlay.

APPLICANT

Company: Pew & Lake, PLC
Name: Ralph Pew
Address: 1744 S. Val Vista Drive Suite 217
Mesa, AZ 85204
Phone: 480-461-4670

OWNER

Company: SY Gilbert Commons I and II
Name: Bill Vierra
Address: 150 Pelican Way
San Rafael, CA 94901
Phone: 415-448-8321

Email: ralph.pew@pewandlake.com

Email: bill_vierra@sywest.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>September 22, 1981</i>	Town Council annexed 600 acres in annexation case A81-02, Ordinance No. 302.
<i>January 19, 1982</i>	Town Council adopted Ordinance No. 313 rezoning approximately 24 acres at the southwest corner of Cooper and Baseline Roads from Agricultural (AG) to General Commercial (C-2).
<i>November 27, 1984</i>	Town Council adopted Ordinance No. 404 from Agricultural (AG) to Residential (R-3) for 16.55 acres at the southwest corner of Cooper and Baseline Roads. The time limit was extended with Ordinance No. 441.
<i>May 26, 1992</i>	Town Council adopted Ordinance No 740 rezoning 16 acres from Multi-Family Residential (R-3) to Agricultural (AG) in case Z92-03.
<i>April 2, 2002</i>	Town Council adopted Ordinance No. 1389 rezoning 9.22 acres at the southwest corner of Cooper and Baseline Roads from Agricultural (AG) to General Commercial (GC) in case Z01-26.
<i>July 8, 2003</i>	Town Council adopted Ordinance No. 1490 rezoning approximately 48 acres from Agricultural (AG) to 38.41 Acres of General Commercial (GC) and 38.41 acres of Agricultural (AG) to Garden Industry (I-1) at the southwest corner of Cooper and Baseline Roads in case Z03-07.
<i>March 24, 2020</i>	Town Council adopted Resolution No. 4123 amending the General Plan for the subject site from Regional Commercial (RC) to Residential >14-25 DU/Acre land use classification for approx. 8.63 acres of property generally located at the southwest corner of Cooper and Baseline Roads in case GP19-05.
<i>March 24, 2020</i>	Town Council adopted Ordinance No. 2751 rezoning approximately 47.99 acres from Regional Commercial (RC) with a PAD overlay to approx. 39.36 acres of RC and 8.63 acres of Multi-Family/Medium (MF/M) all with a pad overlay at the southwest corner of Cooper and Baseline Roads in case Z19-15.
<i>August 5, 2020</i>	The Planning Commission Reviewed a concurrent Design Review application DR20-87 as a Study Session item.

Overview

The subject site is located south of the southwest corner of Cooper and Baseline Roads within the Shoppes at Gilbert Commons shopping center and zoned Multi-Family/Medium (MF/M) with a Planned Area Development (PAD) overlay. This fence modification request is being reviewed alongside a companion application for Design Review approval of the PB Bell Gilbert Commons multi-family development on 8.63 acres and containing a total of 205 multi-story units under case DR20-87. An 8' tall solid separation wall is required per LDC 4.109.2.a along the entire western boundary, the applicant is proposing modifications to this wall as follows:

1. Allow a separation wall to be constructed within the required 17'-10" perimeter landscape area along portions of the western property boundary.
2. Allow a 6'-1" tall wall where 8' tall is required adjacent to a non-residential district or use.
3. Allow for the top 3'-6" of the proposed wall to be view fencing.
4. Allow a 3'-6" tall view fence instead of an 8' solid wall for approximately 260' along a portion of the southern half of the western boundary in-front of the existing SRP substation which has an existing 10' tall solid wall.
5. Allow for no fencing for approx. 265' along a portion of the northern half of the western boundary in the middle of an existing retention basin.

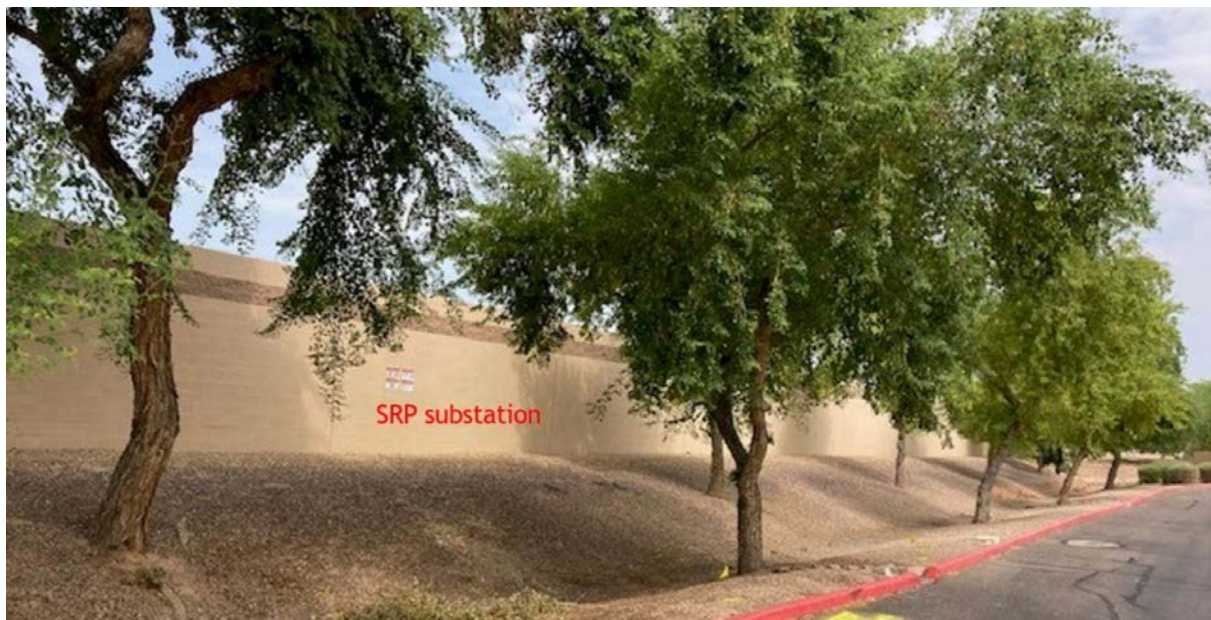
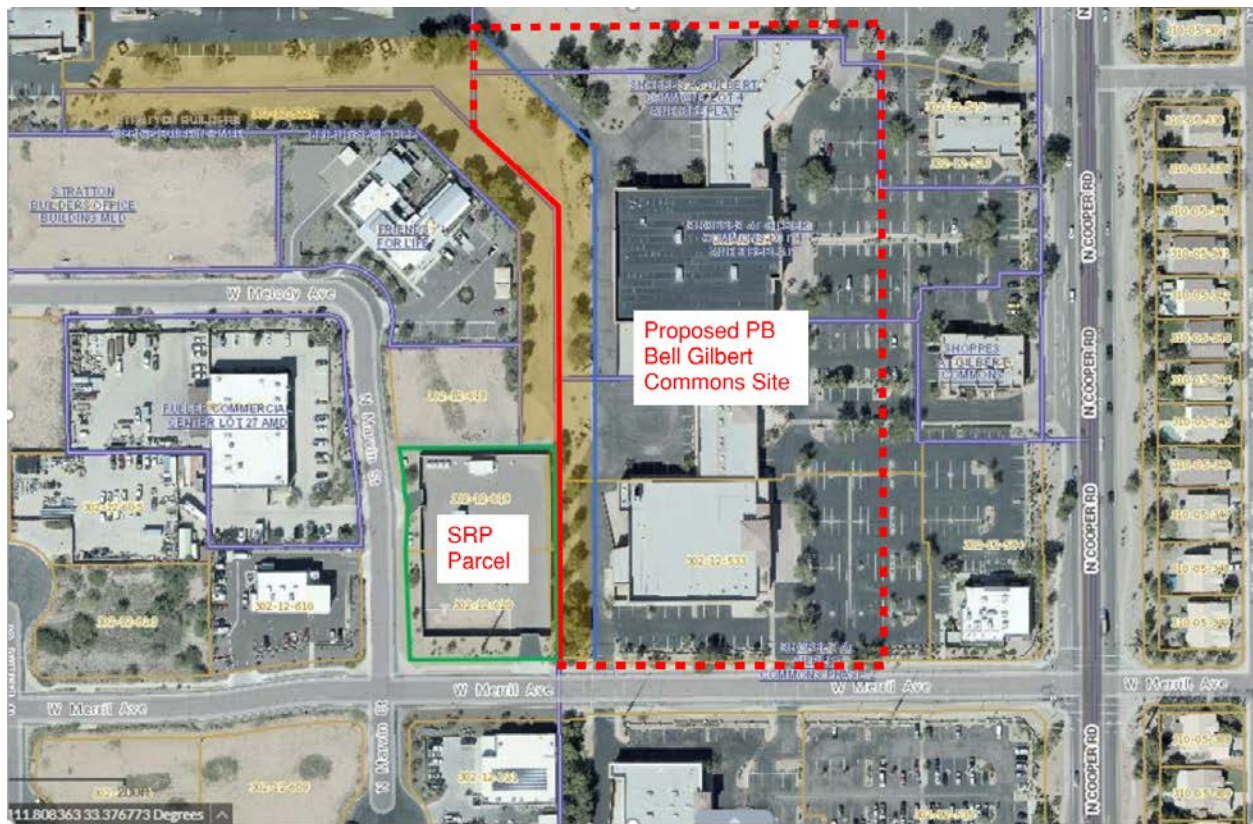
Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Regional Commercial (RC)	Regional Commercial (RC)	Existing Congregate Care Living Facilities
South	Regional Commercial (RC)	Regional Commercial (RC)	Undeveloped
East	General Office (GO)	General Office (GO)	Existing QT Fueling Facility
West	Public Facility/ Institutional (PF/I)	Public Facility/ Institutional (PF/I)	Campo Verde High School
Site	Residential > 14-25 DU/Acre	Multi-Family/Medium (MF/M)	Undeveloped

Discussion

The Land Development Code (Section 4.109) requires that when a multi-family residential use is adjacent to a single-family residential district or use or a nonresidential district or use that an 8' solid separation fence must be provided on the property line. The northern and eastern portions of the site abut the existing Shoppes at Gilbert Commons shopping center zoned Regional Commercial (RC) and are not required to have a separation fence per the PAD Rezoning of the site to further the integration of the apartment complex with the adjacent shopping center. However, the western property line which is adjacent to an SRP substation and the Fuller Industrial Park are zoned Light Industrial (LI) and require an 8' tall solid separation fence.

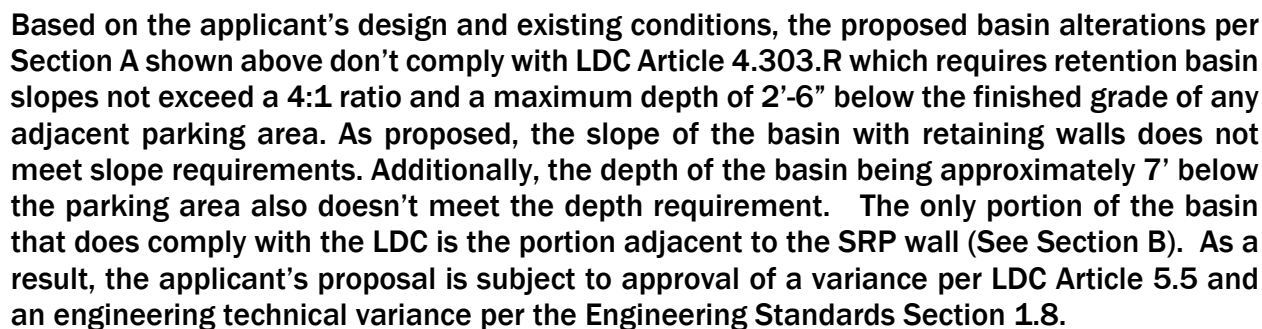
The western property line of the subject site, which is the focus of this request, is shared with a property owned by Salt River Project (SRP), and a privately-owned retention basin which is partially on the subject parcel and shared with the adjacent Fuller Industrial Park. The basin is approximately 23'-8" wide immediately adjacent to the SRP substation, and flares to approximately 76'-7" at its northernmost point.





The existing retention basin was constructed in 2003 as regional drainage for 9 lots within the Shoppes at Gilbert Commons and a portion of the Fuller Industrial Park and is encumbered by a drainage easement that was recorded on the Final Plat. With the new apartment complex development, the applicant is proposing to construct parking spacing along most of the western boundary which will alter approximately 7-10% of the exiting easement/retention basin and include grading, filling and the removal of existing landscaping. To accommodate the new parking spaces, retaining walls and a separation fence varying in height from 3'-6" in front of the SRP substation to 6'-1" along the widest portions of the basin and no fencing along the northern portion in the middle of the basin are proposed. It must be noted that the existing conditions of the basin including the

All storm water retention displaced by the additional fill dirt will be relocated to five (5) new underground retention tanks in the northwest corner of the site. All retention capacity is being evaluated as part of the concurrent Design Review application.



6

retention area. It must be noted that moving cases forward without Variance approval is not a typical situation, however, the applicant has decided to move forward with this case and assume the risk.

FINDINGS

The Planning Commission is required to make six findings in order to approve a Separation Fence Modification request. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

Applicant Notes: This proposed modification will not impact the health, safety or welfare of persons living or working in the area, to adjacent properties or the Town as a whole. There are no residences immediately adjacent to this property, and there are only two adjacent parcels that are immediately impacted by this request: an SRP substation and a privately-owned parcel that serves as a retention basin. By allowing the separation fence to be moved away from the property line and therefore outside the retention basin, the stormwater retention needs in this immediate area will not be disturbed and the basin will be allowed to continue to capture storm runoff from this area.

2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

Applicant Notes: The Town of Gilbert's General Plan encourages the provision of open space buffers between dissimilar land use designations. By allowing the separation fence to be relocated away from the property line and further into the PB Bell Gilbert Commons development, the existing retention basin/open space area will be maintained to the benefit of all adjacent properties.

The proposed modification provides a visual effect consistent with the existing character of the area and promotes unique design to provide visual interest along the norther boundary of the development.

3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

Applicant Notes: The proposed separation fence will conform with all Town of Gilbert Engineering and Building requirements, as well as applicable state or federal requirements.

The proposed alterations to the existing basin don't comply with LDC Article 4.303.R and require the approval of a variance per LDC Article 5.5 and an Engineering technical variance per the Engineering Standards Section 1.8. Without the approval of both Variances this criterion will not be met, and the site would need to be redesigned to comply.

4. The project is compatible with adjacent and nearby development;

Applicant Notes: Other than the SRP substation, the only other property in the vicinity that will be visually impacted by this request is a pet rescue facility on the other side of the retention basin. It is worth noting that their property is enclosed with a completely permeable wrought iron fence and required landscaping in the retention basin. The boundary wall we are proposing combines the security of a retention wall and fall barrier adjacent to the parking spaces, and also echoes the permeability of the iron fencing at that location. Accordingly, it is compatible with nearby development.

5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;

Applicant Notes: The applicant has received approval of this project from Salt River Project, the entity that owns the majority of all real, contiguous property that is subject to the separation fence requirement.

6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

Applicant Notes: This request for modification is being reviewed concurrently with the Design Review application for Gilbert Commons and is therefore not a condition of that case, nor is the development subject to a Use Permit.

Pursuant to the above analysis, Staff believes the project meets the six findings required for granting the separation fence modification request due to existing conditions not created by the applicant and, granted, they receive the approval of the two required Variances.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town, and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff has received no comment from the public.

On November 9, 2020, the Town provided the applicant with public notice information based on the proposed design at the time and the public notice was mailed to surrounding property owners and posted on the site. After this notification was sent additional modifications #3, #4 and #5 were requested (as noted in this reports overview) but not included in the applicants mailing to surrounding property owners. However, the applicant has elected to move forward with the request.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF RECOMMENDATION

Make the Findings of Fact and approve FM20-02, PB BELL GILBERT COMMONS SEPARATION FENCE: Request to approve modifications to separation fence requirements on approximately 8.63 acres, generally located at the southwest corner of Cooper and Baseline Roads, and zoned Multi-Family/Medium (MF/M) within the Shoppes at Gilbert Commons Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan and wall detail shown on the Exhibits provided under Attachment No. 4.
2. The Separation Fence approval is subject to approval of a variance per LDC Article 5.5 and an Engineering technical variance per the Engineering Standards Section 1.8. Should these variances modifying the maximum retention basin depth and slope not be approved, an amendment to this Separation Fence Modification case will be required that shows compliance with the requirements of the Land Development Code and Engineering Standards and any engineering technical variance required by the Engineering Standards Section 1.8.

Respectfully submitted,



Keith Newman
Planner II

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Exhibits
- 5) Applicant's Narrative

**FINDINGS OF FACT
FM20-02, PB Bell Gilbert Commons Separation Fence**

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
4. The project is compatible with adjacent and nearby development;
5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;
6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

Notice of Pub

FM20-02: PB Bell Gilbert Commons Attachment 2 - Notice of Public /Vicinity Map

PLANNING COMMISSION DATE:

Wednesday, December 2, 2020* TIME: 6:00 PM

LOCATION: Due to the impacts of the COVID-19 pandemic, all public meetings will be conducted using measures to protect public health until further notice. Please refer to the meeting agenda for methods of public participation, as permitted under Arizona state law.

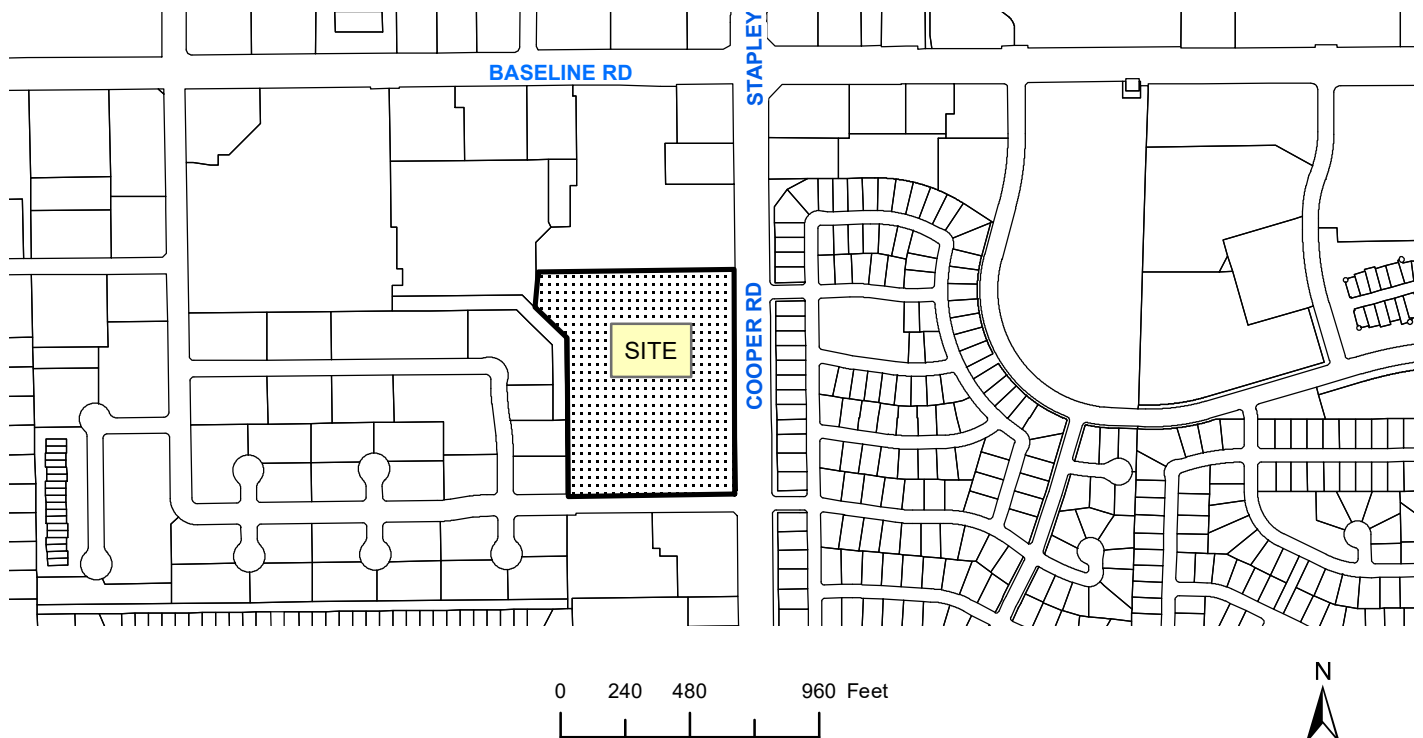
***Call Planning Division to verify date and time: (480) 503-6812**

*** The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertdocs.com/gilbertagendaonline.**

REQUESTED ACTION:

FM20-02 PB BELL GILBERT COMMONS SEPARATION FENCE: Request to approve modifications to separation fence requirements on approximately 8.63 acres, generally located at the southwest corner of Cooper and Baseline Roads, and zoned Multi-Family/Medium (MF/M) within the Gilbert Commons Planned Area Development (PAD) overlay. The effect of the modification would be to allow for an increase in the height of the perimeter wall along the western boundary and to allow it within the perimeter landscape setback.

SITE LOCATION:



APPLICANT: Pew & Lake PLC
CONTACT: W. Ralph Pew
ADDRESS: 1744 S. Val Vista Dr., Suite 217
Mesa, AZ 85207

TELEPHONE: (480) 461-4670
E-MAIL: ralph.pew@pewandlake.com

**FM20-02: PB Bell Gilbert Commons
Attachment 3 - Aerial Photo**

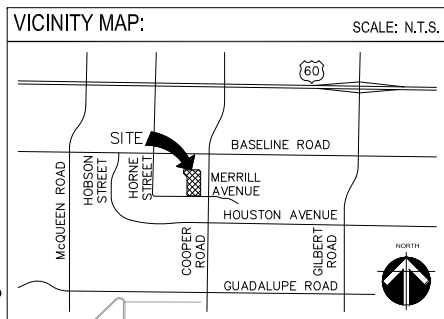


Map



KEY NOTES: (X)

1. KNOX BOX EMERGENCY ACCESS. KEY BOXES ARE T.O.G. KNOX BOX 3200 SERIES WITH A HINGED DOOR. INSTALL 5' ABOVE GRADE AND WITHIN 5 FEET OF THE FIRE RISER ROOM / FIRE COMMAND CENTER DOOR. KEY BOXES SHALL BE INSTALLED WITHIN 5' OF ANY PRIMARY ACCESS POINTS THAT HAVE PEDESTRIAN GATES, MAIN ENTRY, ELECTRICAL / MECHANICAL ROOMS, AND FIRE SPRINKLER RISER ROOM.
2. FIRE SPRINKLER RISER ROOMS. 5' x 5' MINIMUM DIRECT EXTERIOR ACCESS. BACK-FLOW PREVENTER SHALL BE INSTALLED ON FIRE RISER INSIDE FIRE RISER ROOM.
3. MAIL ROOM
4. TRASH COMPACTOR AND RECYCLE - SEE DETAIL 2/A1.3
5. FIRE APPARATUS TURNING RADIUS 55' OUTSIDE, 35' INSIDE. FIRE LANES: 26' WIDE; FIRE LANE SIGNS / RED CURBING ALLOWED AND SHALL BE POSTED ON ONE OR BOTH SIDES OF THE FIRE APPARATUS ROAD AS REQUIRED BY SECTION D103.6.1 OR D103.6.2 2012 I.F.C.
6. ROADS 20 TO 26 FEET IN WIDTH SHALL HAVE SIGNS POSTED ON BOTH SIDES OF FIRE LANE. SIGN INSTALLATION PER T.O.G. DETAIL #6.3.
7. PAINTING OF CURBS: FIRE LANE CURBS SHALL BE PAINTED RED IN COLOR ON THE TOP AND OUTWARD FACE OF THE CURB AND SHALL BE MARKED ON THE FACE OF CURB WITH "FIRE LANE NO PARKING" IN 2" OR GREATER WHITE BLOCK LETTERS AND SPACED EVERY 25' ON CENTER.
8. SITE VISIBILITY SIGHT TRIANGLE PER GIL-212.
9. CABANAS - SEE LANDSCAPE.
10. SCREEN WALLS: 3 FEET HIGH MEASURED FROM FINISH GRADE, AT PARKING LOCATIONS OF THE PARKING LOT: SET BACK MINIMUM 3' AND MAXIMUM 6' FROM PERIMETER OF ANY PARKING SPACE, DRIVEWAY, OR ACCESS AISLE, MEASURED FROM BACK OF CURB. MUST BE FINISHED ON BOTH INTERIOR AND EXTERIOR ELEVATION. REFER TO LANDSCAPE.
11. FIRE PIT, REFER TO LANDSCAPE.
12. PEDESTRIAN GATE, REFER TO LANDSCAPE.
13. POOL FENCE, REFER TO LANDSCAPE.
14. OUTDOOR BBQ, REFER TO LANDSCAPE.
15. MONUMENT SIGN, REFER TO LANDSCAPE.
16. SPA, REFER TO LANDSCAPE.
17. SITE LIGHTING - REFER TO ELECTRICAL FOR FIXTURE TYPE AND SPECS.
18. 7 BICYCLE BIKE RACK (REFER TO LANDSCAPE FOR SPECIFICATIONS)
19. UTILITY SCREEN WALL - FINISHED ALL SIDES (REFER TO LANDSCAPE)
20. BIKE STORAGE
21. NEW LANDSCAPE/PEDESTRIAN TRANSITION AREA - REFER TO LANDSCAPE FOR ADDITIONAL INFO.
22. TRANSFORMER LOCATIONS - REFER TO ELECTRICAL
23. MASONRY SCREEN WALL w/ STUCCO FINISH
24. FIRE STAGGING AREA - REFER TO EMERGENCY ACCESS PLAN
25. MONUMENT/SIGNAGE LOCATION - REFER TO LANDSCAPE. (36" FROM ANY R.O.W.)
26. EXISTING 3'-0" HIGH SITE WALL TO REMAIN.
27. 8'-0" MAX HEIGHT RETAINING WALL WITH RAILING TO PROVIDE 42" FALL PROTECTION ON PARKING SIDE.

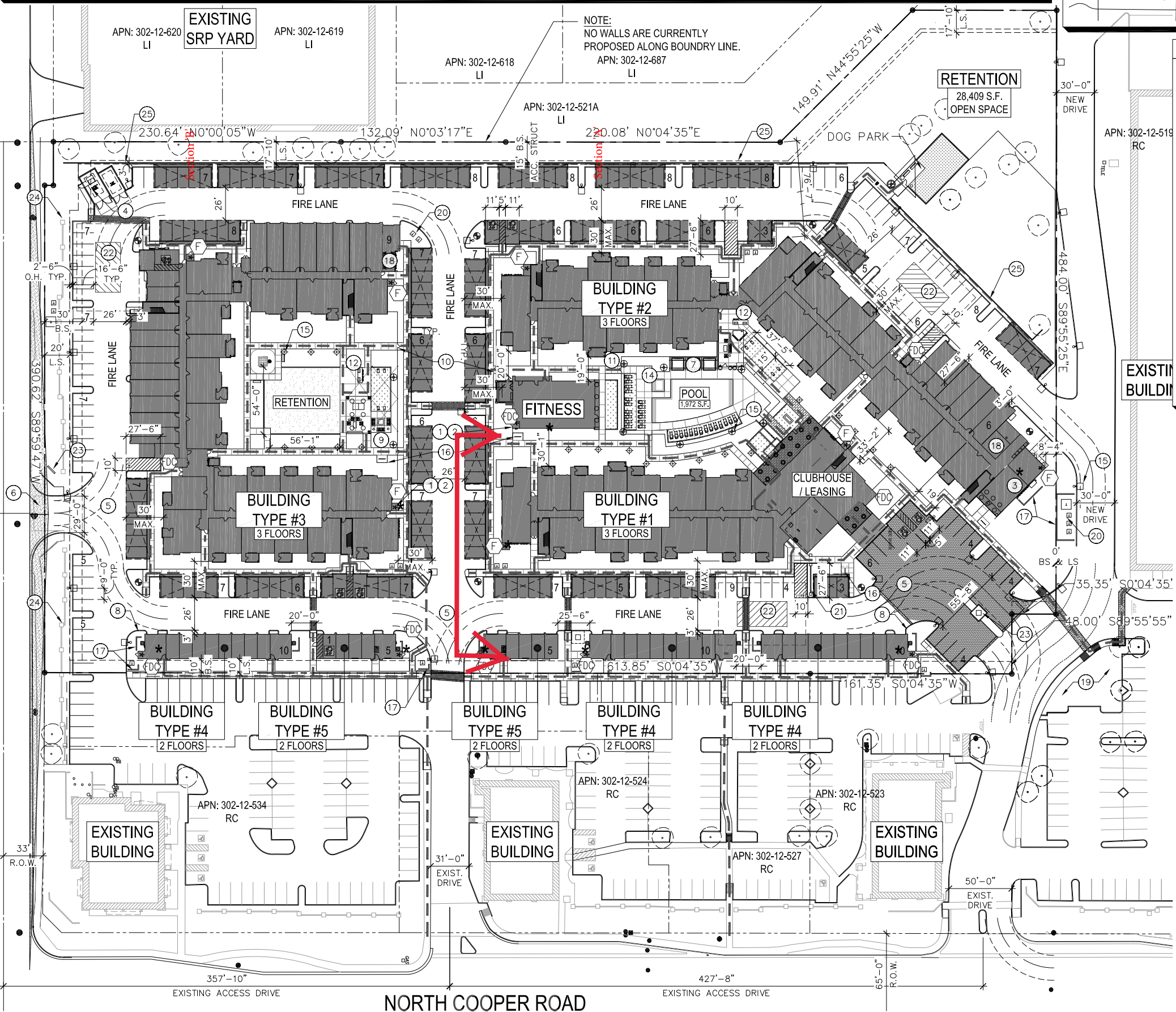


PROJECT DATA:	
PROJECT NAME:	PB BELL at GILBERT COMMONS
PROJECT ADDRESS / LOCATION:	1400 N COOPER ROAD / N.W.C. OF MERRILL AND COOPER ROAD
EXISTING ZONING:	RC: REGIONAL COMMERCIAL
APN:	302-12-527, 302-12-532 AND 302-12-533
ZONING: MF / M MULTI-FAMILY / MEDIUM DENSITY	DENSITY (DU/ACRE) =23.77
GROSS PARCEL AREA:	8.6252 ACRES OR 375,713 S.F.
NET SITE AREA:	8.30 ACRES OR 361,422 S.F.
COMMON OPEN SPACE REQUIRED:	PER LDC 40% OF NET SITE AREA (CALCULATION: 361,422 S.F. x .40 =144,568.8 S.F.)
COMMON OPEN SPACE PROVIDED:	152,820 S.F. PROVIDED / 361,422 S.F. =42.28%

PARKING SPACES REQUIRED per table 4.204			
CODE REQUIREMENT	DIMENSIONS	CALCULATION	TOTAL # REQUIRED
GUEST SPACES / UNIT = .25 P.S.	9' x 19'	205 * .25 =52	52 P.S.
1 BED UNITS / STUDIO = 1 P.S.	9' x 19'	124 * 1 =124	124 P.S.
2 BED UNITS = 2 P.S. + GUEST	9' x 19'	81 * 2 =162	162 P.S.
TOTAL PARKING SPACES REQUIRED			286 P.S.
TOTAL PARKING SPACES PROVIDED			
UNCOVERED SPACES			117 P.S.
CANOPY COVERED SPACES			163 P.S.
SINGLE ENCLOSED GARAGE SPACES - DETACHED			32 P.S.
SINGLE ENCLOSED GARAGE SPACES- HALL ACCESS			2 P.S.
SINGLE ENCLOSED GARAGE SPACES - DIRECT UNIT ACCESS			8 P.S.
TANDEM ENCLOSED GARAGE SPACES (W/2ND CAR SPACE)			48 P.S.
TOTAL SPACES PROVIDED			370 P.S.
ACCESSIBLE SPACES REQUIRED/PROVIDED 2%*370=			8 P.S.
BICYCLE PARKING REQUIRED SECTION 4.2016.			
A.1: (1) SPACE FOR EVERY 10 VEHICLES			REQ'D: 370/10=37
B.1: PAVED SURFACE WITHIN 50' OF PRIMARY BUILDING ENTRY			LOCKERS=47
B.2: SPACES SHALL MEASURE 2 FEET BY 6 FEET			BIKE RACKS = 35
B.3: BIKE LOCKERS			PROVIDED = 82

SYMBOL LEGEND:

- (F*) FIRE RISER ROOM 5'x5'
- (FDC) FDC LOCATION
- (MP) METER PANEL LOCATION
- ACCESSIBLE PATH OF TRAVEL
- (P) ACCESSIBLE PARKING SPACE
- 35' INSIDE TURNING RADIUS
- 55' OUTSIDE TURNING RADIUS
- 2'-6" OVERHANG
- (#) # OF SPACES IN ROW 9' x 16'-6" PARKING SPACE
- (H) FIRE HYDRANT
- (T) ELECTRICAL TRANSFORMER



FM20-02: PB Bell Gilbert Commons

Attachment 4 - Exhibits

PRELIMINARY NOT FOR CONSTRUCTION

EXPIRES 9/30/22

PB BELL at GILBERT COMMONS

APARTMENT HOMES

1400 N. COOPER ROAD, GILBERT, ARIZONA 85233

PB BELL

8434 NORTH 90th STREET, SUITE #100, SCOTTSDALE, ARIZONA 85258

PHONE: (480) 951-2222

REVISIONS:

1	
2	
3	
4	
5	

JOB NO: 18-052

DATE: NOVEMBER 4, 2020

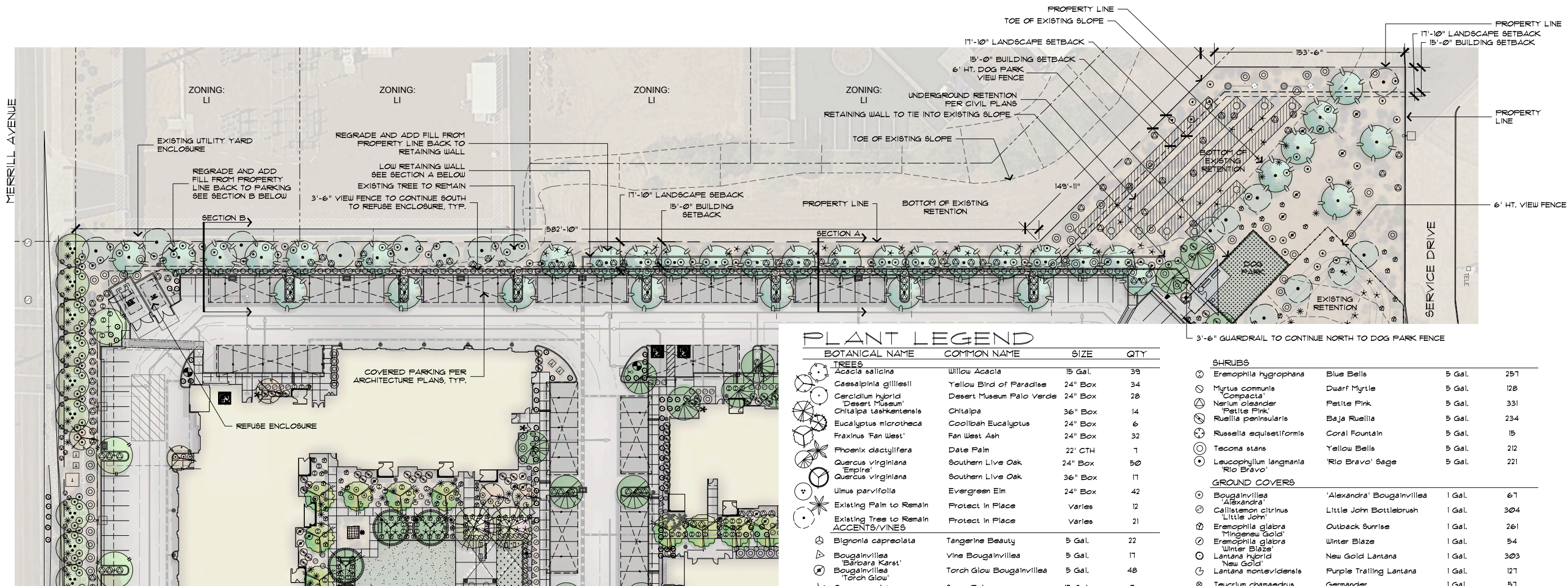
SCALE: 1" = 40'-0"

SHEET NO:

ARCHITECTURAL SITE PLAN

A1.1

© BILTFORM ARCHITECTURE GROUP, INC.



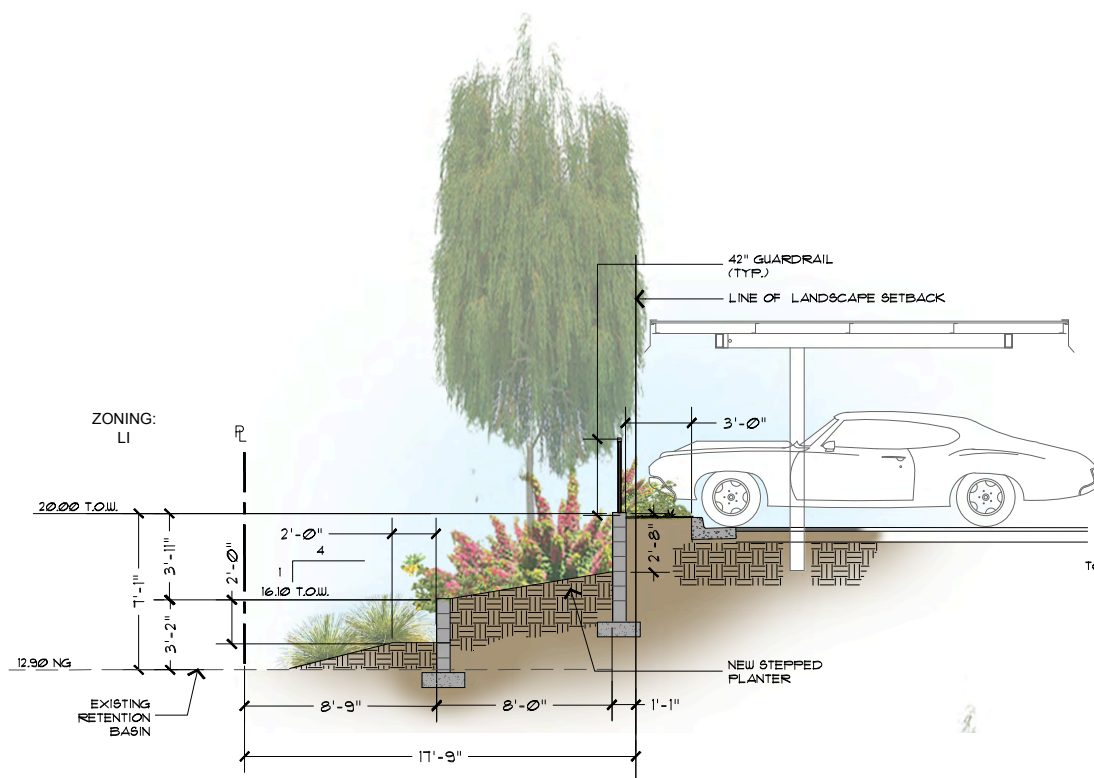
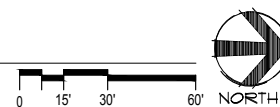
PLANT LEGEND

BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES			
Acacia salicina	Willow Acacia	15 Gal.	39
Caesalpinia gilliesii	Yellow Bird of Paradise	24" Box	34
Cercidium hybrid 'Desert Museum'	Desert Museum Palo Verde	24" Box	28
Chitalpa tashkentensis	Chitalpa	36" Box	14
Eucalyptus microtheca	Coolibah Eucalyptus	24" Box	6
Fraxinus 'Fan West'	Fan West Ash	24" Box	32
Phoenix dactylifera	Date Palm	22' CTH	7
Quercus virginiana 'Empire'	Southern Live Oak	24" Box	50
Quercus virginiana	Southern Live Oak	36" Box	17
Ulmus parvifolia	Evergreen Elm	24" Box	42
Existing Palm to Remain	Protect in Place	Varies	12
Existing Tree to Remain	Protect in Place	Varies	21
ACCENTS/VINES			
Bignonia capreolata	Tangerine Beauty	5 Gal.	22
Bougainvillea 'Barbara Karst'	Vine Bougainvillea	5 Gal.	17
Bougainvillea 'Torch Glow'	Torch Glow Bougainvillea	5 Gal.	48
Cycas revoluta	Sago Palm	15 Gal.	7
Dasyllirion acrotrichum	Green Spoon	5 Gal.	97
Muhlenbergia capillaris	Regal Mist	5 Gal.	140
Hesperaloe parviflora 'Ferpa'	Brakelights Red Yucca	5 Gal.	156
Pedilanthus macrocarpus	Lady Slipper Plant	15 Gal.	3
Phoenix roebelenii	Pygmy Date Palm	5 Gal.	17
Fodraea ricasoliana	Pink Trumpet Vine	5 Gal.	20
Yucca pallida	Pale Leaf Yucca	5 Gal.	36

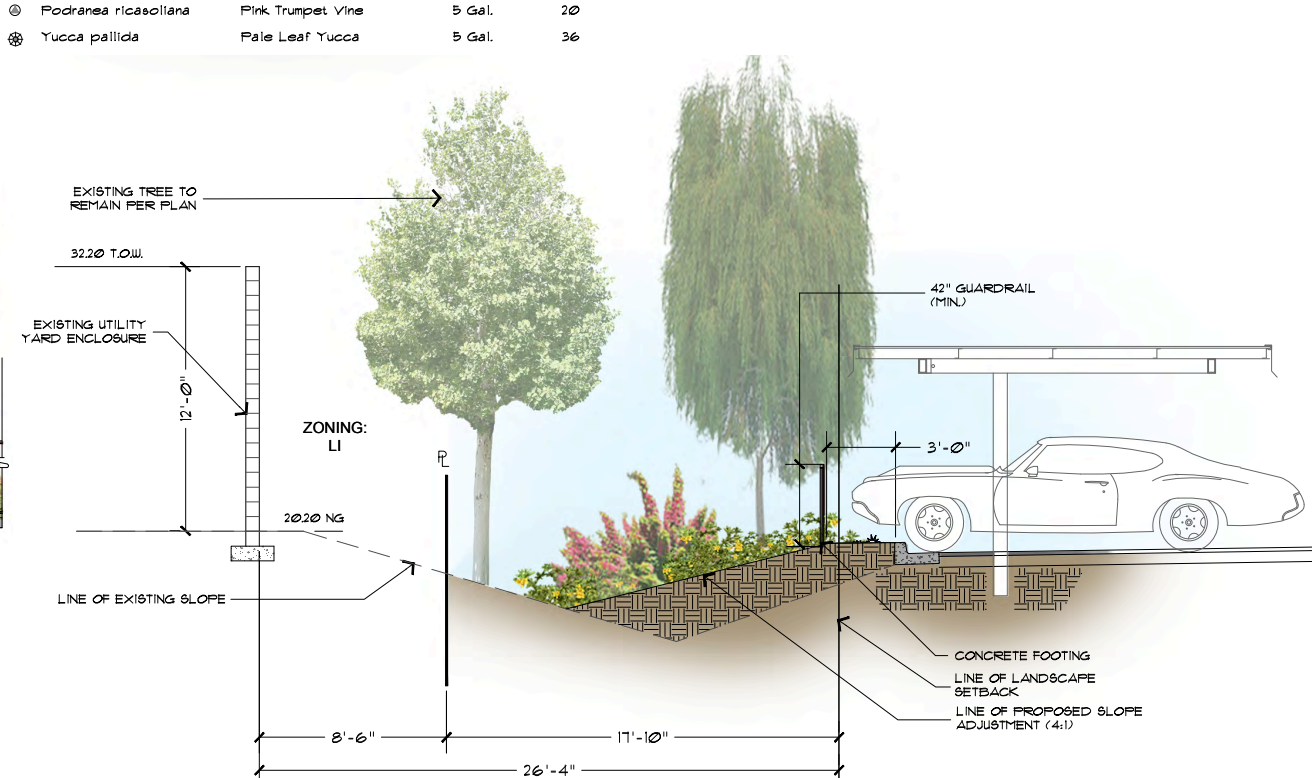
SHRUBS			
Eremophila hygrophana	Blue Bells	5 Gal.	257
Myrtus communis 'Compacta'	Dwarf Myrtle	5 Gal.	128
Nerium oleander	Petite Pink	5 Gal.	331
Ruellia peninsularis	Baja Ruellia	5 Gal.	234
Ruellia equisetiformis	Coral Fountain	5 Gal.	15
Tecoma stans	Yellow Bells	5 Gal.	212
Leucophyllum langmanii 'Rio Bravo'	'Rio Bravo' Sage	5 Gal.	221
GROUND COVERS			
Bougainvillea 'Alexandra'	'Alexandra' Bougainvillea	1 Gal.	67
Callistemon citrinus 'Little John'	Little John Bottlebrush	1 Gal.	304
Eremophila glabra 'Mingau Gold'	Outback Sunrise	1 Gal.	261
Eremophila glabra 'Winter Blaze'	Winter Blaze	1 Gal.	54
Lantana hybrid 'New Gold'	New Gold Lantana	1 Gal.	303
Lantana montevidensis	Purple Trailing Lantana	1 Gal.	127
Teucrium chamaedrys	Germander	1 Gal.	57
Carissa macrocarpa	Green Carpet Natal Plum	1 Gal.	77
Rosmarinus officinalis	Upright Rosemary	1 Gal.	178
Seasonal Annuals	Seasonal Annuals	4" Pots 8" OC Per Plan	

WALL LAYOUT AT WESTERN PROPERTY LINE

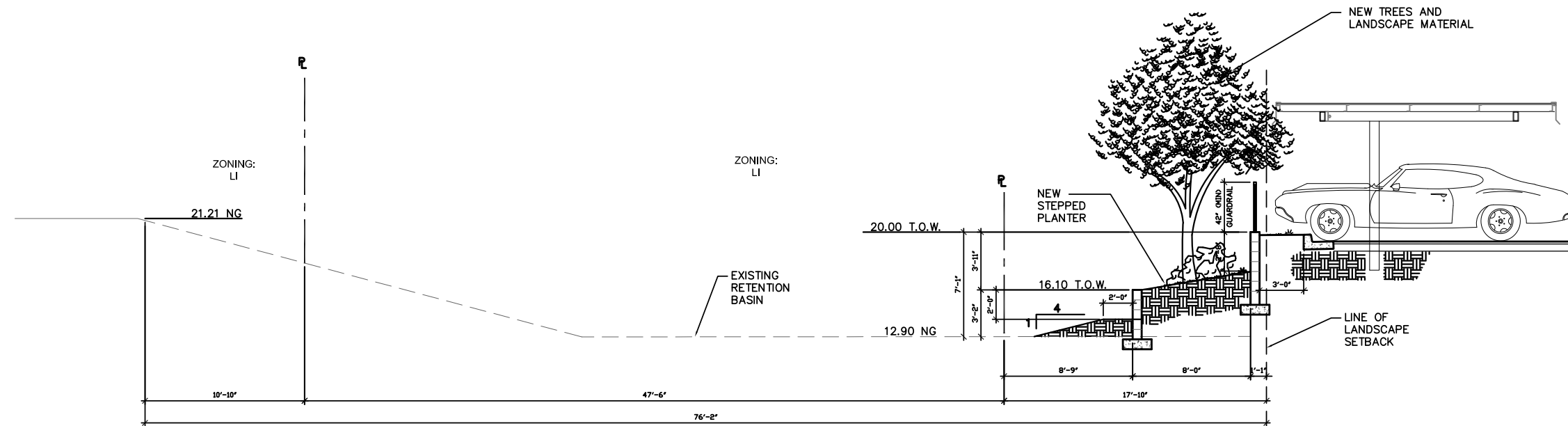
SCALE: 1"=30'-0"



1 SECTION A
SCALE: 1/4"=1'-0"

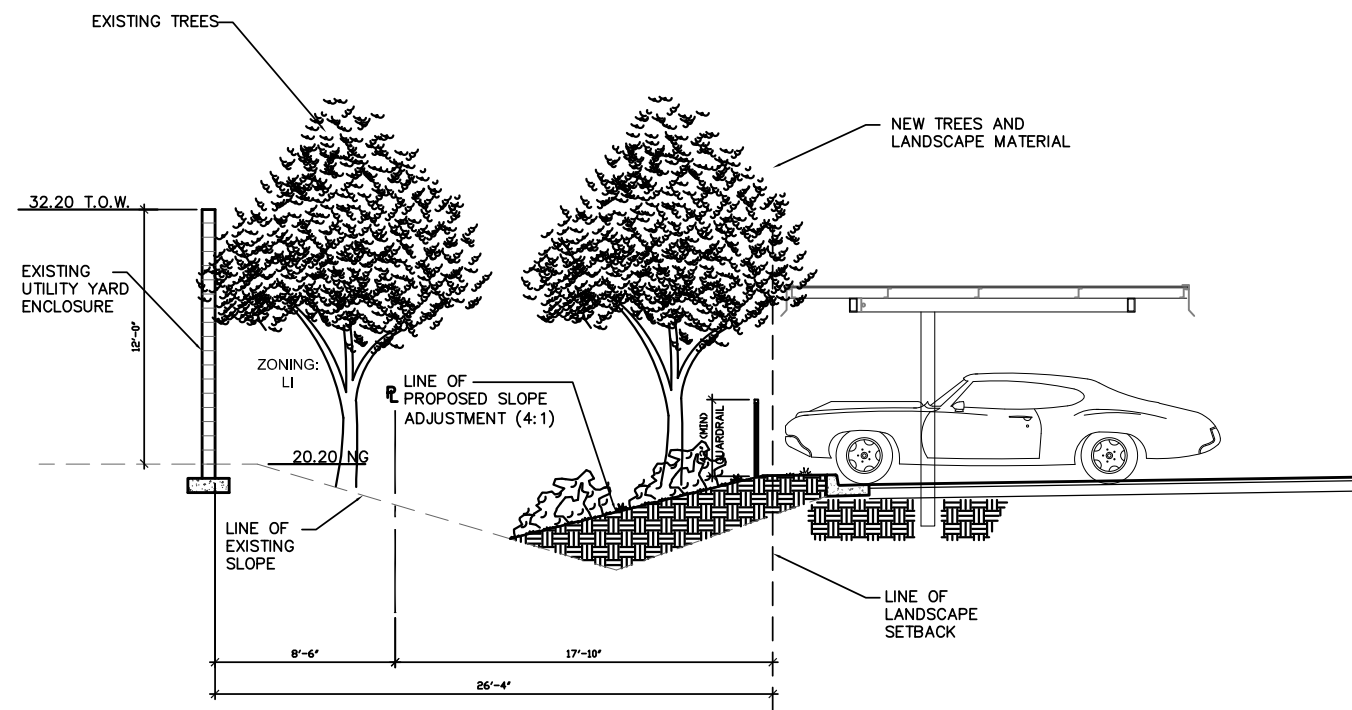


2 SECTION B
SCALE: 1/4"=1'-0"



A TYPICAL SECTION

NTS



B TYPICAL SECTION

NTS

PB BELL at GILBERT COMMONS

PB BELL

SITE WALL
EXHIBIT

SCALE: N.T.S.

DATE: 11/23/20

biltform
architecture

biltform architecture
group, INC.
11460 north cave creek road, suite 11
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Phone 602.285.3200
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Gilbert Commons
SWC of Cooper and Baseline Roads
Gilbert, Arizona
Separation Fence Modification Request
Project Narrative



Submitted by:

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Submitted to:

The Town of Gilbert

November 5, 2020

Introduction.....	3
Entitlement History	3
Our Request.....	3
Relationship to Surrounding Properties	4
Justification for Request	6
Findings.....	8
Conclusion	10
Development Team	11

Introduction

Pew & Lake PLC ("Applicant") , on behalf of SyWest II ("Owner") and PB Bell ("Developer"), is pleased to submit this project narrative and related exhibits in support of a request to modify the separation fence requirement for Gilbert Commons, a multi-family community located just west of the intersection of Cooper Road and Merrill Avenue. The project site is shown below outlined in red.



Entitlement History

On March 24, 2020, the Gilbert Town Council approved Ordinance No. 2751 and Resolution No. 4123, to allow for the development of Gilbert Commons, a 205-unit multi-family community. The Town of Gilbert Planning Commission is currently considering PDR-2020-00087, which will ultimately approve the Site Plan, Landscape Plan, Floorplans and Elevations for the multifamily community.

Our Request

Section 4.109(A)2b of the Town of Gilbert Land Development Code (LDC) states that "a separation

fence is required when a multi-family residential use is adjacent to a single-family district or a nonresidential district or use. The fence shall be 8-feet in height and located on a property line and outside of any required landscape area.” The Planning Commission is given authority to modify these conditions subject to certain findings.

Accordingly, our request to the Town of Gilbert is for:

- 1) A modification to the requirement outlined above to allow for the required separation fence to be located away from the western property line. The fence, when viewed from the eastern side, will be 42” tall, with the top 22” being tubular steel view fencing. When viewed from the western side of the wall, the wall will be a maximum of 8-feet tall, with the top 22” being the tubular steel fencing.

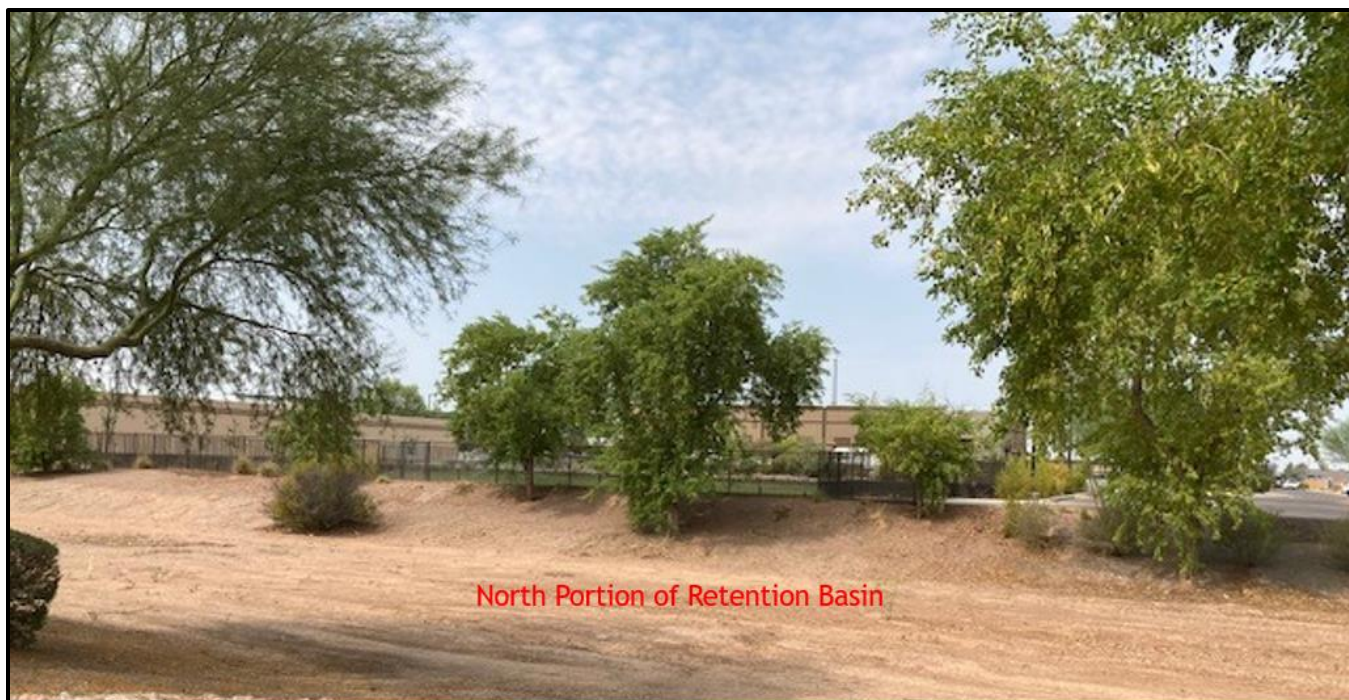
Relationship to Surrounding Properties

The site is bound on the north and east by the Shoppes at Gilbert Commons retail shopping center, on the south by Merrill Avenue and commercial businesses, and on the west by a light industrial use and retention basin. The table on the next page shows the Existing Uses, General Plan Designations and Zoning Classifications for surrounding parcels.

	General Plan	Zoning	Existing Use
North	Regional Commercial	RC/PAD	Commercial Retail
South	Regional Commercial	RC	Commercial Retail
East	Regional Commercial	RC/PAD	Commercial Retail
West	Light Industrial	Light Industrial	SRP Substation, Retention Basin and
Project Site	Residential > 14-25 du/ac	MF-M/PAD	Vacant RC Buildings

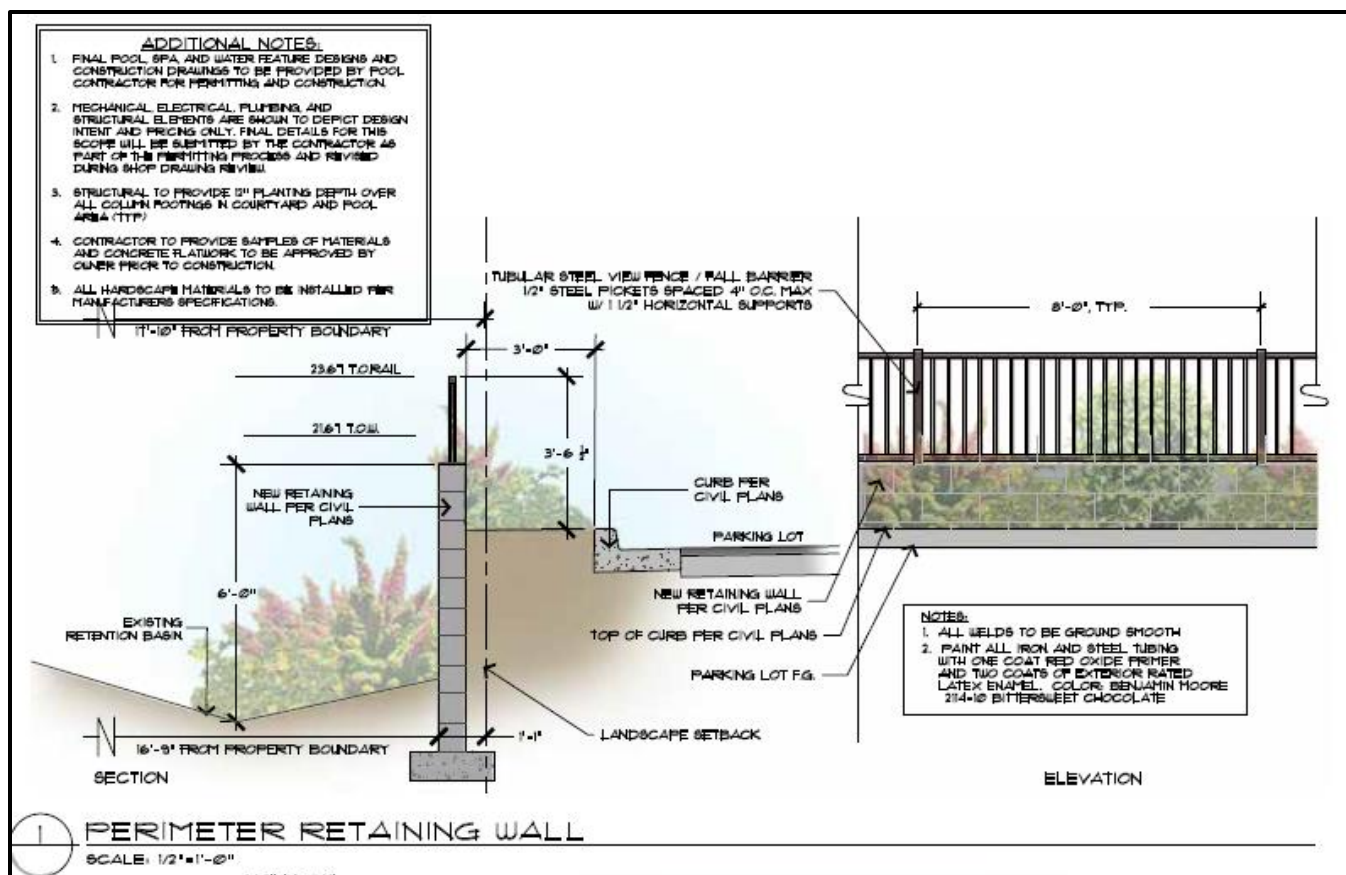
The western boundary of the site, which is the focus of this request, shares a property line with a property owned by Salt River Project (SRP), and a privately owned retention basin. Shown on the next two pages are three photographs of the retention basin along the shared boundary. The basin is approximately 23’-8” wide immediately adjacent to the SRP substation, and flares to approximately 76’-7” at its northernmost point.





Justification for Request

Shown on the next page is a graphic illustrating, in plan view, the unusual configuration of the property boundary. Shown in green is the SRP property, with the substation enclosure clearly visible within the site. Shown in red is the property line in the middle of the retention basin (yellow), and shown in blue is the approximate location of the requested boundary wall. To require a separation fence in the middle of a retention basin would be contrary to Town engineering standards and would disrupt the ability of the basin to capture stormwater runoff as currently designed. Moreover, a separation fence in the middle of a basin would be aesthetically awkward and, given its proximity to the SRP substation wall, could potentially create an undesirable configuration of two walls in close proximity to one another, which is undesirable from a public safety standpoint. By pulling the boundary wall closer to the proposed multifamily development, the retention basin will be allowed to function in its current state. and a more pleasing aesthetic will be created.



Findings

The Town of Gilbert LDC requires that approval for a Separation Fence Modification must meet certain findings of fact. The findings are shown below in **bold** text, with the manner in which request meets those finding in *italics*.

- 1) **The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;**

This proposed modification will not impact the health, safety or welfare of persons living or working in the area, to adjacent properties or the Town as a whole. There are no residences immediately adjacent to this property, and there are only two adjacent parcels that are immediately impacted by this request: an SRP substation and a privately-owned parcel that serves as a retention basin. By allowing the separation fence to be moved away from the property line and therefore outside the retention basin, the stormwater retention needs in this immediate area will not be disturbed and the basin will be allowed to continue to capture storm runoff from this area.

- 2) **The proposed modification conforms with the purposes, intent, and policies of the**

General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

The Town of Gilbert's General Plan encourages the provision of open space buffers between dissimilar land use designations. The definition of open space in the General Plan "includes floodways and floodplains, retention/detention areas... and open space buffers." By allowing the separation fence to be relocated away from the property line and further into the Gilbert Commons development, the existing retention basin/open space area will be maintained to the benefit of all adjacent properties.

3) The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

The proposed separation fence conforms will conform with all Town of Gilbert Engineering and Building requirements, as well as applicable state or federal requirements.

4) The project is compatible with adjacent and nearby development;

Other than the SRP substation, the only other property in the vicinity that will be visually impacted by this request is a pet rescue facility on the other side of the retention basin. It is worth noting that their property is enclosed with a completely permeable wrought iron fence and required landscaping in the retention basin. The boundary wall we are proposing combines the security of a retention wall and fall barrier adjacent to the parking spaces, and also echoes the permeability of the iron fencing at that location. Accordingly, it is compatible with nearby development.

5) The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning; and

The applicant has received approval of this project from Salt River Project, the entity that owns the majority of all real, contiguous property that is subject to the separation fence requirement.

6) The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

This request for modification is being reviewed concurrently with the Design Review application for Gilbert Commons and is therefore not a condition of that case, nor is the

development subject to a Use Permit.

Conclusion

When approved, the request discussed in this narrative will allow for the continued development of a new, multifamily residential community in The Town of Gilbert. The Applicant, on behalf of the Property Owner and Developer, looks forward to receiving input on this application and working with Town staff to implement our vision on this property.

Development Team

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